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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052566
Party	Defendant Remington, Inc.
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Date	08/04/2010
Attachments	53095_Answer.pdf (5 pages)(38689 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of:

ROVCAL, INC.,

Petitioner,

v.

REMINGTON, INC.,

Respondent.

Cancellation No. 92052566

Trademark Registration No. 3,622,405
For the mark: REMINGTON WATER

Trademark Registration No. 3,391,860
For the mark: REMINGTON

Trademark Registration No. 3,548,960
For the mark: REMINGTON

Trademark Registration No. 3,314,992
For the mark: REMINGTON

Trademark Registration No. 3,278,162
For the mark: REMINGTON

Trademark Registration No. 3,726,128
For the mark: REMINGTON WATER

Trademark Trial and Appeal Board
Commissioner for Trademarks
Via E-File

ANSWER TO CONSOLIDATED PETITION FOR CANCELLATION

Respondent REMINGTON, INC. (Respondent) answers the consolidated Petition for Cancellation of Petitioner ROVCAL, INC. (Petitioner) as follows:

FACTS COMMON TO ALL GROUNDS FOR CANCELLATION

Petitioner's REMINGTON Marks

1. Respondent does not have sufficient information to form a belief regarding the allegations of paragraph 1 and therefore denies those allegations.
2. Respondent does not have sufficient information to form a belief regarding the allegations of paragraph 2 and therefore denies those allegations.
3. Respondent does not have sufficient information to form a belief regarding the allegations of paragraph 3 and therefore denies those allegations.
4. Respondent does not have sufficient information to form a belief regarding the allegations of paragraph 4 and therefore denies those allegations.
5. Respondent does not have sufficient information to form a belief regarding the allegations of paragraph 5 and therefore denies those allegations.
6. Respondent does not have sufficient information to form a belief regarding the allegations of paragraph 6 and therefore denies those allegations.
7. Respondent does not have sufficient information to form a belief regarding the allegations of paragraph 7 and therefore denies those allegations.
8. Respondent does not have sufficient information to form a belief regarding the allegations of paragraph 8 and therefore denies those allegations.

Respondent's Registration of the REMINGTON Marks

9. Admitted.
10. Respondent does not have sufficient information to form a belief regarding the allegations of paragraph 10 and therefore denies those allegations.
11. Denied.
12. Respondent does not have sufficient information to form a belief regarding the allegations of paragraph 12 and therefore denies those allegations.
13. Respondent does not have sufficient information to form a belief regarding the allegations of paragraph 13 and therefore denies those allegations.

GROUND I - REGISTRATIONS VOID AB INITIO

14. Respondent incorporates by reference the admissions, denials and/or other responses of paragraph numbers 1 through 13.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

GROUND II - ABANDONMENT

21. Respondent incorporates by reference the admissions, denials and/or other responses of paragraph numbers 1 through 20.

22. Denied.

23. Denied.

24. Denied.

25. Denied.

GROUND III - LIKELIHOOD OF CONFUSION

26. Respondent incorporates by reference the admissions, denials and/or other responses of paragraph numbers 1 through 25.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

AFFIRMATIVE DEFENSE

35. Petitioner has failed to allege facts sufficient to constitute a claim.

WHEREFORE, Respondent prays that the Consolidated Petition for Cancellation be dismissed and that judgment be entered in favor of Respondent.

Date: August 4, 2010

Respectfully submitted,

KELLY LOWRY & KELLEY, LLP

/Michael A. DiNardo/

By: _____
Michael A. DiNardo
Attorneys for Respondent, REMINGTON, INC.

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the above **ANSWER TO CONSOLIDATED PETITION FOR CANCELLATION** is being electronically filed with the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals ("ESTTA") on August 4, 2010.

/Michael A. DiNardo/

Michael A. DiNardo
for KELLY LOWRY & KELLEY, LLP

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the attached **ANSWER TO CONSOLIDATED PETITION FOR CANCELLATION** to be served on this date via U.S. first class mail, postage prepaid, upon counsel for Petitioner, as follows:

Tywanda H. Lord
Kilpatrick Stockton LLP
1100 Peachtree St., Suite 2800
Atlanta, GA 30309-4530

/Nancy Hoover/

Dated: August 4, 2010

Nancy Hoover
for KELLY LOWRY & KELLEY, LLP